

Appl. No. 10/708,401  
Amtd. dated March 21, 2005  
Reply to Office action of December 28, 2004

### Remarks

#### **1. The disclosure is objected to because of informalities**

- 5 Applicant has amended paragraphs [0019] and [0028] to change the term breadth to amplitude as recommended by the examiner. Additionally, applicant has corrected minor grammatical errors to better clarify the meaning of said paragraphs. In particular, applicant has changed augment to increase, and diminish to decrease as well as other minor grammatical improvements. No new matter is entered by these amendments.

#### **2. In the claims**

- 10 Applicant has corrected minor grammatical errors in claim 1. Additionally, claim 5 is cancelled. No new matter is entered.

#### **3. Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Okazaki, et. al.**

15 Applicant asserts that the teachings of Okazaki et al. do not anticipate the present invention as claimed in claim 1 because Okaaki does not disclose every limitation as claimed in the present invention. In particular, Okazaki does not teach determining if the optical disc is an unbalanced disc according to the central error (CE) signal, as stated in claim 1.

20 Okazaki, et. al. disclose a method for detecting vibration in a disc drive and apparatus thereof (col. 2, line 13-14). In Fig.3, Okazaki et al. disclose using a fourth control subsystem being a vibration detection control subsystem for providing a vibration detect signal (col. 8 lines 65). In Fig.5, they show a circuit for implementing the vibration system. Emphasis is repetitively placed on using all the photodiodes A-F. The most important factor being subtracting the TE signal formed by the E and F photodiodes (col. 12, lines 27-34). As taught by Osakaki et. al., using all the photodiodes A-F is highly advantageous (col. 10 lines 60-65 and other examples given in the detailed description).

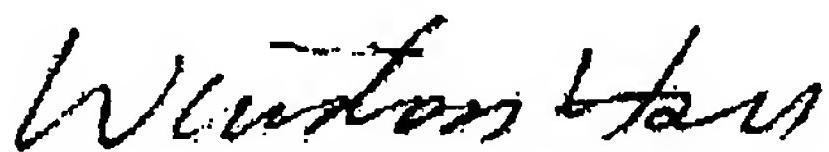
25 Applicant points out the present invention only uses the CE signal, which is well known to be

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as formed by photodiodes A-D only. In particular, as stated in claim 1, the present invention detects if a voltage value of a central error (CE) signal is larger than a threshold voltage. Also, applicant teaches using TE is not accurate at low rotary speeds (paragraph 7). This is in contrast to Osakaki, et. al. who disclose using photodiodes A-F (which includes the TE signal). Because Osakaki, et. al. do not teach using only the CE signal, and in fact teach in col. 11 lines 11-16 that simply using CE is not accurate, applicant asserts Osakaki, et al. do not anticipate the present invention as claimed in claim 1. Claims 2-4 depend on claim 1 should be allowable for at least the same reasons. Reconsideration of claims 1-4 is respectfully requested.

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10 Sincerely yours,



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(Note: Please leave a message in my voice mail if you need to talk to me. The time in D.C.  
20 is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan).